

AMENDED IN SENATE MAY 4, 2009
AMENDED IN SENATE APRIL 16, 2009

SENATE BILL

No. 759

Introduced by Senator Leno
(Coauthor: Senator Hancock)

February 27, 2009

An act to add Sections 105206 and 105207 to the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 759, as amended, Leno. Federal state of emergency: aerial spraying of pesticide: inert ingredients: information.

Existing law establishes various programs for the prevention of disease and the promotion of health to be administered by the State Department of Public Health, including, but not limited to, programs relating to the reporting of pesticide poisoning.

Existing law establishes a program under the jurisdiction of the Department of Food and Agriculture for invasive pest planning, including, but not limited to, invasive pest eradication through aerial spraying of urban areas.

This bill would, in the event of ~~aerial spraying of a pesticide as a result of a state of emergency declared~~ *an emergency exemption from registration pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), or a Federal Domestic Quarantine Order issued* by the United States Department of Agriculture, prohibit the use of a pesticide in aerial application within or near residential or sensitive ~~areas sites, as specified,~~ where humans are likely to become exposed to the pesticide unless the manufacturer of the pesticide has previously and voluntarily made the complete ingredient list, including, but not

limited to, all inert ingredients, *as defined*, available to the Office of Environmental Health Hazard Assessment. The bill would require the director to provide a complete list of all ingredients to specified officials and care providers, and would require the director to seek federal reimbursement for all state costs associated with the emergency, as permitted by federal law.

This bill would declare that its provisions are severable, and that if any provision or its application is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 105206 is added to the Health and Safety
2 Code, to read:

3 105206. The Legislature finds and declares that in order to
4 better diagnose and treat illnesses caused by, or related to, human
5 exposure to toxins through the aerial application of pesticides,
6 county agricultural commissioners, medical associations, health
7 departments, and health care professionals responsible for the
8 diagnosis and treatment of pesticide poisoning should be aware of
9 all ingredients, including, but not limited to, inert ingredients, in
10 pesticides that are authorized for aerial application in the state.

11 SEC. 2. Section 105207 is added to the Health and Safety Code,
12 to read:

13 105207. (a) ~~In the event of aerial spraying of a pesticide as a~~
14 ~~result of a state of emergency declared an emergency exemption~~
15 ~~from registration pursuant to Section 18 of the Federal Insecticide,~~
16 ~~Fungicide, and Rodenticide Act (FIFRA), or a Federal Domestic~~
17 ~~Quarantine Order issued by the United States Department of~~
18 ~~Agriculture, or in the event that the United States Department of~~
19 ~~Agriculture declares an extraordinary emergency, no pesticide~~
20 shall be used in aerial application within or near residential or
21 ~~known sensitive areas sites, including, but not limited to, schools,~~
22 ~~hospitals, day care centers, senior citizen centers, residential care~~
23 ~~homes, and farm labor camps~~ within this state where humans are
24 likely to become exposed to the pesticide unless the manufacturer
25 of the pesticide has previously and voluntarily made the complete

1 ingredient list, including, but not limited to, all inert ingredients,
2 available to the Office of Environmental Health Hazard
3 Assessment.

4 (b) ~~In the event of aerial spraying of a pesticide as a result of a~~
5 ~~state of emergency declared an emergency exemption from~~
6 ~~registration pursuant to FIFRA, or a Federal Domestic Quarantine~~
7 ~~Order issued by the United States Department of Agriculture, or~~
8 ~~in the event that the United States Department of Agriculture~~
9 ~~declares an extraordinary emergency,~~ the Director of
10 Environmental Health Hazard Assessment shall, for each pesticide
11 authorized for aerial application, provide a complete list of all
12 ingredients, including, but not limited to, all inert ingredients, to
13 local agricultural and health officials in each county under a state
14 of emergency, including, but not limited to, county agricultural
15 commissioners, local emergency rooms, health care providers,
16 health clinics, hospitals, medical associations, school nurses, and
17 veterinarians.

18 (c) The Director of Environmental Health Hazard Assessment
19 shall seek federal reimbursement for all state costs associated with
20 the emergency as permitted by federal law.

21 (d) *For the purposes of this section, “inert ingredient” has the*
22 *same meaning as set forth in FIFRA.*

23 (d)

24 (e) The provisions of this section are severable. If any provision
25 of this section or its application is held invalid, that invalidity shall
26 not affect other provisions or applications that can be given effect
27 without the invalid provision or application.